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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,543	11/24/2003	Hiroaki Fujii	086142-0600	1813

22428 7590 09/11/2006

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EXAMINER	
SPISICH, GEORGE D	

ART UNIT	PAPER NUMBER
3616	

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/718,543	FUJII ET AL.	
	Examiner	Art Unit	
	George D. Spisich	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6* is/are pending in the application.

4a) Of the above claim(s) *2 and 6* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3 and 4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 June 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1,5 and 6 of copending Application No. 10/873,129. Although the conflicting claims are not identical, they are not patentably distinct from each other because the seat belt device being immovably mounted to a vehicle body on the side of the vehicle and the lap anchor being movable along the slide bar to a standby position and a working position is considered an inherent feature of a seatbelt arrangement of 10/873,129.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP03-118255 in view of Aoki (USPN 6,069,325).

JP '255 discloses a seat belt device comprising a seat belt (14) for restraining and protecting an occupant sitting on a vehicle seat, and an end portion of the seat belt including a lap anchor (40). The seat belt is connected to a vehicle body on a side of the vehicle seat via the lap anchor.

JP '255 discloses a hitch member (24) attached immovably to either one of the vehicle body, the vehicle seat fixed to the vehicle body or a seat weight sensor fixed to the vehicle body. The term "immovably attached" is met since the hitch member of JP '255 is immovably attached with respect to the vehicle seat.

The hitch member (24) is a slide bar (22) with the lap anchor (40) is movable along the slide bar to a standby position and a working position.

However, JP '255 does not disclose a seat weight sensor installed below the seat that measures a seat load.

Aoki discloses a seat belt arrangement having a seat weight sensor installed below the seat that measures a seat load applied to the seat.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the seat belt arrangement of JP '255 so as to provide a seat weight sensor installed below the seat as taught by Aoki so as to customize the protection of the safety arrangement of JP '255 and improve the operation and provide for enhanced restraint.

Claims 1,3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (USPN 4,667,980) in view of Aoki (USPN 6,069,325).

Yamamoto discloses a seat belt device comprising a seat belt (30) for restraining and protecting an occupant sitting on a vehicle seat, and an end portion of the seat belt including a lap anchor (36). The seat belt is connected to a vehicle body on a side of the vehicle seat via the lap anchor.

Yamamoto discloses an immovable hitch member (40) immovably attached to either one of the vehicle body, the vehicle seat fixed to the vehicle body or a seat weight sensor fixed to the vehicle body on one end and on another end the hitch member is attached immovably to the vehicle body..

The hitch member (40) is a slide bar with the lap anchor movable along the slide bar to a standby position and a working position.

However, Yamamoto does not disclose a seat weight sensor installed below the seat that measures a seat load.

Aoki discloses a seat belt arrangement having a seat weight sensor installed below the seat that measures a seat load applied to the seat. The seat weight sensor is installed on a mount of the seat. This "mount" is then broadly considered to be a mounting bracket of the seat weight sensor.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the seat belt arrangement of Yamamoto so as to provide a seat weight sensor installed below the seat as taught by Aoki in the manner as taught such that the hitch member (slide bar) of Yamamoto is connected to the member that serves as a mounting bracket of the seat weight sensor of Aoki. Providing a seat weight sensor would allow for the adaptive control of safety arrangements to provide increased performance and safer operation.

Response to Arguments

With respect to Applicant's argument that the slide bar of JP '255 is not "attached immovably", Examiner disagrees and at least at the connection of the slide bar to the vehicle seat, the slide bar is immovably attached to the seat since there is not relative movement between the slide bar and the seat.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George D. Spisich
August 29, 2006

9/5/06
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
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